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JAMES D. MA

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1920.
No. 378.

UNITED STATES OF AMERICA,
Plaintiff-in-Error,

against

JACOB M. SMITH,
Defendant-in-Error.

In Error to the District Court of the United States for the Eastern District of Michigan.

BRIEF FOR DEFENDANT-IN-ERROR.

STEVENSON, CARPENTER, BUTZEL & BACKUS,
Attorneys for Defendant-in-Error.

CHARLES E. HUGHES,
WILLIAM L. CARPENTER,
Of Counsel.

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IN THE

Supreme Court of the United States,

OCTOBER TERM, 1920.

No. 378.

UNITED STATES OF AMERICA,
Plaintiff-in-error,

vs.

JACOB M. SMITH,
Defendant-in-error.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MICHIGAN.

BRIEF FOR DEFENDANT-IN-ERROR.

This is a writ of error to review an order of the District Court sustaining a demurrer to an indictment charging an offense under the Act of October 22, 1919, c. 80 (41 Stat. 297), amending Section 4 of the Act of August 10, 1917, c. 53 (40 Stat. 276), commonly called the Lever Act, on the ground of its unconstitutionality.

The indictment and proceedings are substantially similar to those in *United States of America* v. *Ben B. Swartz*, No. 377, which will be heard and considered by this Court contemporaneously with this case. We refer to the brief for the defendant-in-error in that case, and adopt the same in this.

The order of the District Court should be affirmed.

Respectfully submitted,
STEVENSON, CARPENTER, BUTZEL & BACKUS,
Attorneys for Defendant-in-error.

CHARLES E. HUGHES,
WILLIAM L. CARPENTER,
Of Counsel.